

STROMBACH

**THE LAW OFFICE OF
PHILIP E. THORNTON**
901 SOUTH "I" STREET, SUITE 201
TACOMA, WA 98405

TEL (253) 383-3102

I. FINDINGS OF FACT

- A. On or about the 2nd day of July, 2005, Petitioner was charged with the offense/offenses charged in the Information. This offense as a direct result of alcoholism/chemical dependency problems;
- B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;
- C. The probability of similar misconduct in the future is great if the problem is not treated;
- D. Petitioner is amenable to treatment;
- E. An effective rehabilitative treatment plan is available to the Petitioner through Social Treatment Opportunity Programs (S.T.O.P.), and approved treatment facility as designated by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;
- F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Social Treatment Opportunity Programs (S.T.O.P.), attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program.
- G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to the Statement of Petitioner filed herewith.
- H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to

STATEMENT OF PETITIONER
FOR DEFERRED PROSECUTION -2 [2001 version]

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revocation of this Order Granting Deferred Prosecution and that these reports will be used to support of finding of guilt;

From the foregoing FINDINGS OF FACT, the Court draws the following:

II. CONCLUSIONS OF LAW

- A. That the above-entitled Court has jurisdiction over the subject matter and Petitioner, CAMERON B. EVANS, in this case;
- B. That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW 10.05 et. seq.;
- C. That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;
- D. That Petitioner is *eligible for deferred prosecution*.

III. ORDER

Having made and entered the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, it is hereby

ORDERED that the defendant is accepted for deferred prosecution. The prosecution of the above-entitled matter is hereby deferred for a five (5) years pursuant to RCW 10.05 et seq., upon the following terms and conditions:

- A. Petitioner shall be on probation for the deferral period and follow the rules and regulations of probation;
- B. Petitioner shall enroll in and successfully complete the two-year treatment program recommended by Social Treatment Opportunity Programs (S.T.O.P.) according to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true

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copy of which is attached to the Petition and incorporated herein by reference.

Petitioner shall not change treatment agencies without prior Probation approval;

- C. The treatment facility, ~~Social Treatment Opportunity Programs (S.T.O.P.)~~ ^{ADULT SUBSTANCE ABUSE PROGRAM} shall file with the United States Probation Office status reports of Petitioner's compliance with treatment, monthly during the first year of the deferred prosecution period and every three (3) months during the second year. The court may increase the frequency of these reports at its discretion;
- D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.
- E. Petitioner shall abstain during the deferred prosecution period from any and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;
- F. Petitioner shall not operate a motor vehicle on the public highways without a valid operator's license and proof of liability insurance sufficient to comply with the state laws on financial responsibility;
- G. Petitioner shall be law abiding and shall not commit an alcohol/drug related offense or other criminal offenses during the period of deferral.
- H. Petitioner shall notify U.S. Probation within 72 hours of being arrested, questioned, or cited by Law Enforcement;
- I. In the event that Petitioner fails or neglects to carry out and fulfill any term or condition of his treatment plan or violates any provision of this Order or any rule or regulation of his probation officer, upon receiving notice, the Court shall hold a hearing to determine why Petitioner should not be removed from deferred prosecution and prosecuted for the offense/offenses charged;


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- J. In the event the Court finds cause to revoke this deferred prosecution, the stipulated police reports shall be admitted into evidence, and Petitioner shall have his guilt or innocence determined by the Court;
- K. That the Statement of Petitioner for Deferred Prosecution shall remain sealed, and all subsequent reports or documents relating to his treatment information shall be sealed, to maintain confidentiality of Petitioner's treatment information;
- L. That the Department of Licensing be notified of this Order accepting the Petitioner for deferred prosecution;
- M. Upon proof of Petitioner's successful completion of five years deferral period in this Order, the court shall dismiss the charges pending against Petitioner.
- N. Additional conditions: Comply with attached
conditions of Probation.

DATED in Tacoma, Washington this 30th day of JANUARY 2006 ~~OCTOBER 2005~~


Philip E. Thornton, Attorney for Petitioner
WSBA No. 20077


UNITED STATE MAGISTRATE JUDGE

I have received a copy of the foregoing Order of Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

Dated: 1/30/2006


CAMERON B. EVANS, Petitioner

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- (1) You shall not leave the judicial district without permission of the court or probation officer;
- (2) You shall report to the probation officer as directed by the court or probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- (3) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- (4) You shall support your dependents and meet other family responsibilities;
- (5) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- (6) You shall notify the probation officer within seventy-two hours of any change in residence or employment;
- (7) You shall abstain from the use of alcohol or other intoxicants, and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; You shall submit urinalysis and/or breathalyzer tests as directed by the Probation Officer;
- (8) You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (9) You shall initiate, maintain, and successfully complete the two-year treatment program recommended by the evaluation report, according to the terms and conditions of that plan and the recommendations of the treating agency;
- (10) You shall permit a probation officer to visit you at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- (11) You shall not commit any criminal law violation and shall not commit any alcohol related offenses. You will not operate a motor vehicle without a valid operator's license and proof of liability insurance to comply with State law;
- (12) You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- (13) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.

I certify that a copy of this signed Order was mailed to the subject treatment facility, on
1/31, ~~2005~~ 2006. The United States Probation Office was also furnished a copy of this
Order.



Clerk, U.S. District Court at Tacoma

STATEMENT OF PETITIONER
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